

Appl. No. 10/516,363
In re Bittner et al.
Reply to Office Action of June 23, 2006

Amendments to the Drawings:

The attached sheet of drawings includes new drawing figure 3 that shows a schematic view of a drive train connecting a drive motor and a vehicle door selectively driven by the drive motor.

Attachment: New Sheet

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REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated June 23, 2006. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1-10 have been amended to correct minor informalities. In addition, claim 8 has been amended to delete multiple dependency in accordance with U.S. Practice. No new matter has been added.

The drawings were objected to under 37 CFR 1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the Examiner noted that the resilient element in the forms of a disk spring, a corrugated disk and a rubber buffer recited in claim 3, were not shown in the accompanying drawings. Applicant respectfully disagrees.

Claim 3 recites that the resilient element (21) which could be in a number of different forms (“one of a compression spring, a disk spring, a corrugated disk and a rubber buffer”), and is a form of a Markush type claim. According to US practice, only one of the particular forms the resilient element can adapt may be shown in the accompanying drawings, while the rest of the forms the resilient element can adapt may only be described in the specification if they are well known to one of ordinary skill in the art.

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The drawings have been amended by adding a new drawing figure 3 that shows a schematic view of a drive train connecting a drive motor and a vehicle door selectively driven by the drive motor. No new matter has been added.

The specification was objected to because of the minor informalities. The specification has been amended to overcome the Examiner's objection. No new matter has been added.

Claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 5, 7, 9 and 10 have been amended, thus overcoming this rejection. Specifically, claim 1 has been amended to recite a clutch in combination with a vehicle door and a drive motor driving the vehicle door. Claims 9 and 10 have been amended to claim the apparatus (the clutch), not the method for operating the clutch. No new matter has been added.

Claims 1-5 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by Pierce (US 3,055,470). Claims 1 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Krug (US 3,899,061). The applicant respectfully disagrees.

Regarding claim 1: Applicant respectfully submits that the applied documents, *i.e.*, the magnetic clutches of Pierce and Krug, do not meet this standard of anticipation. More

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specifically, both Pierce and Krug fail to disclose a drive train connecting a drive motor and a vehicle door selectively driven by the drive motor. Accordingly, the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Pierce or Krug is improper.

Regarding claim 6: In addition to the above regarding the patentability of claim 1, the magnetic clutch of Krug fails to disclose the rotor part having a recess on its side facing away from the friction lining in which the coil is at least partly arranged. Contrary to the present invention as recited in claim 6, a cavity in a stator 12 of Krug that receives a coil C therein is facing toward a friction lining insert 30, as clearly shown in Figs. 1 and 2 of Krug. Accordingly, the rejection of claim 6 under 35 U.S.C. 102(b) as being anticipated by Krug is improper.

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce in view of Puro (US 4,126,215). The applicant respectfully disagrees.

In addition to the above regarding the patentability of claim 1, the torque translating device of Puro fails to disclose the friction lining covered by the cup-shaped axial extension 23. Moreover, the segments 22 of the friction material (friction lining) of Pierce are mounted within an annular groove formed by rings 18 and 19 and are backed by shoulders 23 (see column 2, lines 65-68). In other words, the friction lining 22 of Pierce is already protected from dirt and moisture. Therefore, the prior art provides no suggestion or motivation to modify the magnetic

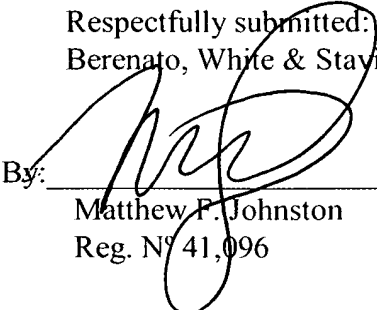
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clutch of Pierce by incorporating the cup-shaped axial extension of Puro. The Examiner's assertion that these references may be modified to achieve the limitations of the present invention would clearly result from **hindsight reconstruction**, which is not permitted. Accordingly, the rejection of claim 8 under 35 U.S.C. 103(a) over Pierce and Puro is improper.

Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over either Pierce or Krug in view of Jaeschke (US 2,956,658). Claims 9 and 10 depend upon the base claim 1 and introduce additional limitations further defining the present invention over the prior art.

It is respectfully submitted that claims 1-10 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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